

**FILED** *A*

SEP - 5 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

1 Nicholas Bart Ellis  
2 K-116024.  
3 P.O. Box 7500  
4 Crescent City, California  
5 95532 1/2 Pelican Bay State Prison  
6  
7  
8

9 UNITED STATES DISTRICT COURT  
10 For the  
11 NORTHERN DISTRICT OF CALIFORNIA

12 Nicholas Bart Ellis  
13 (Plaintiff)

VS

14 SGT. A. Navarro Et. Al...  
15 (Defendants)

Case No. C-07-05126 S.B.A (PR)  
Plaintiff's request for "Process of  
and Service of summons" Remain  
under submission.

- 17 1. Jurisdiction. This Court has Jurisdiction over the subject matter  
18 in the motion, because it arises under the laws of the United States.
- 19 2. Venue. Venue is appropriate in the Court, because all of the Parties  
20 reside in this district, and the acts and omissions giving rise to this law  
21 suit occurred in this district.
- 22 3. Pursuant to Civil Local Rule 7-13, when any motion or matter has  
23 been before the Court, under submission for more than 120 days, a party  
24 may file, Pursuant to Civil L.R. 5-1, a motion, "notice that the matter remains  
25 under submission."
- 26 4. Pursuant to Civil L.R. 6-1 (b) and 6-2 (A) and 6-3, the Plaintiff  
27 requests the matter of Process of Service of Summons, Remain under  
28 submission. By way of this motion.

5. The Plaintiff herein Request the Matter's of Process and Service of summons. Remain's under Submission. In allowing Process and Service of summons by the United States Marshal.

6. Plaintiff has Submitted the appropriate Summons. Filed August 18 2008. and Request for Process and Service of Compliant and Summons Filed July 28, 2008.

7. Plaintiff has been Granted IN FORMA PAUPERIS STATUS. Dated May 6 2008.

8. Plaintiff's request is within the Authority of the Court. Per. Civil L.R. 7-13, Civil L.R. 6-1, 6-2 and 6-3. Civil L.R. 5-1.

9. Previous time Modification. Plaintiff Request for extention of time, Payment of Initial Partial filing fee. Filed May 28, 2008.

10. All current or futurely Scheduled hearings or proceeding's would be extended by the amount of time, needed to execute Process and Service of Summons.

11. The Court's failure to Grant this request, would allow Prejudice dismissal of the claim's. When no violation of Federal or Local Rule's have be violated.

I declare under Penalty of Perjury that the foregoing is true and correct. Executed at:

Pelican Bay State Prison

P.O. Box 17500

Crescent City, California - 95532-

Dated August 20, 2008

Nicholas Bart Ellis

(Plaintiff's Printed name)

Nicholas Bart Ellis

(Plaintiff's Signature)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PROOF OF SERVICE

1. I am a resident of the county of DEL NORTE, CALIFORNIA  
I am over eighteen years of age and a party to the within cause of  
action.

2. My address is: P.O. Box 7500, Crescent City California, 95532  
% Pelican Bay State Prison.

3. On August 20, 2008, I served the within:  
Plaintiff's Request for Process and Service and Service of Summons, "Remain  
under Submission"

By placing a copy in a sealed addressed envelope as follows:  
ATTORNEY GENERAL, EDMOND BROWN JR.  
California Department of Justice, Attn. Public Inquiry Unit  
P.O. Box 944255  
Sacramento, California 94244-2550

4. I declare under penalty of Perjury that the foregoing is  
true and correct. Executed at: Pelican Bay State Prison, P.O. Box 7500,  
Crescent City California; 95532.

Nicholas Bart Ellis

(Plaintiff's Printed name)

Nicholas Bart Ellis

(Plaintiff's signature)

NAME Nicholas Bart Ellis  
CDC NO. K-16024 HOUSING 6-113  
PELICAN BAY STATE PRISON  
PO BOX 7500  
CRESCENT CITY, CA. 95532



[REDACTED]  
[REDACTED]  
[REDACTED]

**CONFIDENTIAL LEGAL MAIL**

US NORTHERN DIST COURT OF CA  
1301 CLAY ST SUITE 400  
SOUTH OAKLAND CA 94612-5212

Ken/09/05/08